

REMARKS

Claims 1 – 31 were pending in the above-identified patent application when last examined. Claims 1 – 31 were rejected. Applicant is amending claims 1, 11, 12, 22, and 24. Applicant is canceling claims 2, 13 and 23.

Rejections Under 35 U.S.C. §102

In sections 1 and 2 of the Office Action, the Examiner rejected claims 1, 10, 11, 12, 21, 22, and 31 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,038,438 to Beeson (hereinafter *Beeson*).

Applicant submits that claim 1, as amended, is patentable over *Beeson* and other cited art by at least reciting:

A method to be performed in a wireless phone, comprising:
receiving, from a source, a first message having a first beacon activation
command; ~~and~~
activating a beacon per the command; and
embedding location information of the wireless phone into the beacon.

Applicant is amending claim 1 to include the limitations of claim 2. Per the section 7 of the Office Action, *Beeson* does not teach embedding location information into the beacon. Further, contrary to the Office Action, U.S. Patent No. 6,765,484 to Eagleson (hereinafter *Eagleson*) does not teach embedding location information as claimed.

Instead, as the Examiner states, *Eagleson* “teaches embedding a signpost code within a word transmitted by the beacon tag (see column 7, lines 15-22).” *Eagleson* does not teach that the signpost code contains the location data of the mobile and is unique. *Eagleson* actually teaches transmitting the signpost code that identifies the signpost, there is no location information of the signpost in the code. Further, there is no actual location information in the beacon tag. Assuming that the location of the signpost can be determined based solely on the identification of the signpost (e.g., via a table listing signpost IDs and corresponding locations), the beacon tag only indicates that the beacon is within transmission range of the signpost. Accordingly, the location of the beacon is not transmitted, only (indirectly) a rough approximation of the area in which the beacon could be.

One of the advantages of the invention is that the exact location of the transmitter can be located via a beacon initiated by a third party. Accordingly, if someone was trapped within a collapsed building after a terrorist action and he or she was unable to activate an emergency beacon indicating her location, a third party can activate the beacon indicating his or her location so that rescue crews could locate him or her quickly. In contrast, *Eagleson* only provides a rough approximation of location – within transmission range of a signpost. This would lead to a delay in locating a person in an emergency situation. Further, the signposts of *Eagleson* would be invalid in an emergency since they would most likely have moved in a building collapse and only transmit their ID and not their actual new location.

Therefore, Applicant submits that claim 1 is patentable over the cited art. As claims 11, 12, and 22 recite similar limitations, they should also be patentable for at least the same reasons. Further, all remaining claims are patentable at least by virtue of their dependency to patentable independent claims.

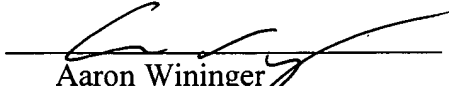
Rejections Under 35 U.S.C. §103

In sections 2 – 8 of the Office Action, the Examiner rejected the remaining claims under 35 U.S.C. §103. As mentioned above, these claims are patentable over the cited references at least by virtue of their dependency.

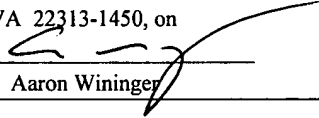
Applicant respectfully requests withdrawal of all rejections and that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on
Date: September 27, 2004 By: 

Aaron Wininger